

REMARKS

Claims 1-37 are pending in the application prior to entering this amendment.

The Examiner allows claims 28-33. The Examiner indicates allowability of claims 14-16 and 24-27 if rewritten in independent form including all of the limitations of the base and any intervening claims. The Examiner rejects claims 10 and 21 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The Examiner rejects claims 1-9, 11-13, 17-20, 22-23 and 34-37 under 35 U.S.C. 102(e) as being anticipated by Lesea (U.S. Pat. No. 6,437,713).

The applicant amends claims 1, 14, 17, 24 and 34 and cancels claims 10 and 21.

Claims 1-9, 11-20 and 22-37 remain in the case after entering this amendment.

The applicant adds no new matter and requests reconsideration.

Claims Allowed

The applicant thanks Examiner Tran for allowing claims 28-33 and indicating allowability of claims 14-16 and 24-27. The applicant does not rewrite claims 14-16 and 24-27 because he believes the claims are allowable for the reasons he details below.

Claim Rejections Under § 112

The Examiner rejects claims 10 and 21 under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The applicant traverses the rejection since the transitions recited are part of the specification as described in Figures 6 and 8. In the interest of expeditious prosecution, however, the applicant cancels claims 10 and 21 from the application without prejudice.

Claim Rejections Under § 102

The Examiner rejects claims 1-9, 11-13, 17-20, 22-23 and 34-37 under 35 U.S.C. 102(e) as being anticipated by Lesea.

Claim 1 recites *a receiver ... capable of generating first and second even and odd data*. Claim 17 recites *receiving means capable of generating ... first and second even and odd data by decoding the symbol data responsive to at least two receiving clocks*. Lesea does not disclose the recited limitations as acknowledged by the Examiner. Claims 1-9, 11-13, 17-20 and 22-23 are now in condition for allowance.

Claim 34 recites *a first driver capable of generating first transmit data responsive to a first transmitting clock and a second driver capable of generating second transmit data responsive to a second transmitting clock, the first transmitting clock being out of phase relative to the second transmitting clock.* The Examiner alleges Lesea Figure 3 discloses the recited transmitter. But Lesea does not disclose a first driver that transmits data responsive to a first transmitting clock and a second driver that transmits data responsive to a second transmitting clock, distinct from the first transmitting clock. In Lesea, the phase generators 117 and 118 “uses the tap select value TS[n:1] supplied by DLL 108 to output phase delayed signals of: zero degrees phase delay, 90 degrees phase delay, 180 degrees phase delay, and 270 degrees phase delay... Which of the four phase-delayed versions of the amplitude bits is chosen depends on the value of the two “phase” bits.” Lesea, column 5, lines 4-11. Thus, the phase generators 117 and 118 generate signals A1P and A2P that are DEL0, DEL90, DEL180, or DEL270 responsive to the phase P1 or P2. The phase generators 117 do not, therefore, generate first and second transmit data responsive to distinct first and second *clocks* (and not the data itself) that are out of phase relative to each other.

And claim 34 recites *a superposition node adapted to superposition the first and second transmit data to generate multi-bit symbol data.* The Examiner alleges Lesea’s D/A 107 discloses the recited superposition node. But Lesea’s D/A 107 is not a node, but rather “a two-bit D/A converter.” Lesea, column 5, lines 35-36. The D/A converter 107 converts the two-bit amplitude values on lines 121 and 122 into corresponding one of four voltage levels. “The result is a signal on output lead 102 that has its two ‘amplitude’ bits (A1, A2) encoded as one of four possible voltage levels and that has its two ‘phase’ bits (P1, P2) determining where in phase the amplitude changes to the new voltage level.” Lesea, column 5, lines 23-32. Lesea, therefore, does not disclose a node much less a superposition node to superposition the first and second transmit data as recited. Claims 34-37 are in condition for allowance.

Conclusion

The applicant requests reconsideration and allowance of all claims. The applicant encourages the Examiner to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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